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SUBJECT: BLACK TAMACHEKS LOBBY FOR ANTI-SLAVERY LAW IN MALI

REF: 08 BAMAKO 00702

1.(SBU) Summary: On February 17 the Embassy met with a leader of the Black Tamachek group TEMEDT and a British solicitor, Michael Ellman, sent to Mali by the U.S. based International Senior Lawyers Project to help TEMEDT document cases of slavery in Mali and draft legislation criminalizing the practice. Mr. Ellman's visit to Mali followed a visit by a Nigerien lawyer who participated in an April 2008 Nigerien slavery case brought before the Court of Justice for the Economic Community of West African States (ECOWAS). Mr. Ellman said he was stunned by the number of slavery cases he and TEMEDT discovered during visits to Timbuktu, Gao, and towns in between. Mr. Ellman was also surprised by the apparent support and encouragement he received from Malian government officials regarding the eradication of slavery in Mali. Several important political parties in Bamako also signaled their support for legislation, based on laws already enacted by neighboring Mauritania and Niger, criminalizing slavery in Mali. TEMEDT leaders reported no progress in any of the slavery cases already submitted to Malian courts but said they would rather let the Malian judicial system play out than go around the Malian government to seek recourse from ECOWAS. End Summary.

More Slavery Cases in Northern Mali

2.(SBU) On February 17 TEMEDT member Abdoulaye Macko and British solicitor Michael Ellman shared with the Embassy findings culled from a just completed trip to Timbuktu, Gao, and towns in between to document cases of slavery in Mali. Mr. Ellman said the number of slavery cases that he and TEMEDT discovered during the course of their journey was stunning. As word of Mr. Ellman's visit spread to black Tamachek communities in the Timbuktu and Gao regions, more and more people came forward with information regarding slave holders or family members still subjected to slavery. We were previously aware of four slavery cases brought by black Tamacheeks: Agiachatou walet Touka's case in Menaka; Iddar ag Ogazide's case in Gao; Tatche walet Ekadaye's case in Menaka; and the kidnapping of Moumou ag Tamou in Kidal.

3.(SBU) In the village of Gourma Rharous, along the road the runs between Timbuktu and Gao, Mr. Ellman helped secure what Macko described as "the first" official liberation of a black Tamachek slave in Mali. According to Ellman and Macko, in November 2008 a black Tamachek woman known only as Nalewat - it is not uncommon for black Tamachek slaves to have just one name as they have no official documents or government records - escaped her Imghad Tuareg master in the village of Bambara Maoude after 14 years of slavery. Macko said Nalewat had been abducted at the age of 9. She filed a complaint with police in Rharous, but was reclaimed by her master in December before any legal action was taken.

4.(SBU) While in Gourma Rharous, Ellman and Macko met with the local mayor and also with a local lawyer hired by TEMEDT for Nalewat. With the support of the Rharous mayor, Ellman and Macko then visited a judge who enlisted a small group of local authorities - a northern Malian posse of sorts - to visit the encampment in Bambara Maoude where Nalewat was being held. Upon arrival, the son of Nalewat's master directed the group to Nalewat. The group then returned to Gourma Rharous with both Nalewat and her child. Mr. Ellman said Nalewat's legal complaint, filed against her now former master, demands damages in the form of compensation for 14 years of unpaid labor. Macko and Ellman said they expected Nalewat to settle for CFA 1 million or USD 2,000.

5.(SBU) Ellman said that envoys sent by Nalewat's master attempted to stop his vehicle on the outskirts of Timbuktu and again in the town of Sevare, which is halfway between Timbuktu and Bamako. It was not clear whether the envoys were attempting to threaten Ellman, or plead the master's case, or negotiate some kind of settlement. Macko and Ellman also relayed details of another slavery case, this time in Timbuktu, involving a black Tamachek man known only as Aboubacrine and his five children. Ellman said he and TEMEDT helped Aboubacrine file a legal complaint with local authorities in Timbuktu.

Support from Malian Government Officials

6.(SBU) Ellman told the Embassy that all of the local

BAMAKO 00000111 002 OF 002

officials he met with both in Bamako and points north, including Governors and Prefects, accepted the existence of slavery in Mali - a remarkable statement in itself as many government officials' standard refrain is that slavery does not exist in Mali. Mr. Ellman said this included senior leaders of the Union for the Republic and Democracy Party (URD) and the opposition PARENA party. Both the URD and PARENA encouraged TEMEDT to pursue draft legislation criminalizing slavery in Mali based on similar laws already enacted by neighboring Mauritania and Niger. On February 23 TEMEDT's vice president, Ibrahim ag Idbaltanat, told the Embassy that Mali's two largest political parties - Alliance for Democracy and Change (ADEMA) and the Rally for Mali (RPM) - had also welcomed Mr. Ellman and expressed support for a law criminalizing slavery.

Current Cases Still Stalled

7.(SBU) Mr. Ellman said there was no movement on any of the four cases of slavery already submitted to Malian judicial authorities in Gao, Menaka and Kidal. Ellman and Macko attributed delays in Menaka to the absence of a magistrate as the person tapped to replace the town's previous magistrate has reportedly refused to accept an assignment to the distant town east of Gao. Ellman said TEMEDT has asked Malian officials to formally transfer the two cases pending in Menaka to courts in Gao. Mr. Ellman said TEMEDT was still exploring whether to elevate these cases to the ECOWAS Court of Justice but indicated that he and TEMEDT preferred to give the Malian judicial system a chance to work before turning to outside institutions for judgment.

Comment: Support for Criminalizing Slavery in Mali

8.(SBU) During discussions with the Embassy about TEMEDT and slavery, Malian government officials frequently invoke the Malian constitution - which guarantees individual life and liberty - as proof that slavery is both illegal and

nonexistent in Mali. One cannot, however, file a criminal complaint in Mali based on a constitutional clause. While Mali does have laws criminalizing forced labor, servitude, bodily harm, kidnapping, and hostage taking, there are no laws regarding slavery. Since the existence of slavery is recognized in both Mauritania and Niger, the claim that slavery somehow skipped over Mali - despite the evident cultural and social links between Mauritania, Mali and Niger - is becoming less and less tenable.

9.(SBU) In addition to widespread misperception about the existence of slavery in Mali, TEMEDT also faces political obstacles as many Malian Tuaregs believe that anti-slavery advocates are specifically targeting Tuareg masters. In previous discussions with Tuareg leaders, we have found it helpful to stress the fact that slavery in Mali occurs in many cultures, whether Tuareg, Arab, Peuhl, Songhai, Bambara or others. This argument seemed to assuage concerns expressed by the National Assembly's second vice-president, Assarid ag Imbarcaouane, who is an Imghad Tuareg leader from Gao, during a July 2008 meeting with the Embassy (Reftel).

10.(SBU) Support from all of Mali's major political parties is particularly encouraging - although it can be difficult to disassociate genuine support for the initiative from political opportunists looking for another stick with which to prod Tuareg rebels in the north. Either way, it appears as though TEMEDT has the support needed to at least introduce a law criminalizing slavery to the National Assembly in 2009.

As a result, TEMEDT is now seeking funding to hold a workshop in March to complete draft legislation criminalizing slavery in advance of the National Assembly's April 2009 session and the April 26 local elections.

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